

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JONG CHEOL SHIN,

Plaintiff,

v.

TD BANK N.A. and EQUIFAX INFORMATION
SERVICES, LLC,

Defendant.
-----X

:
:
Case No.
:
Supreme Court of the State of New
York; County of Queens
Index No. 720910/2023

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant TD Bank N.A. (“***TD Bank***”), by its attorneys, Duane Morris LLP, hereby removes this action, captioned *Jong Cheol Shin. v. TD Bank N.A. and Equifax Information Services, LLC*, Index No. 720910/2023, originally filed in the Supreme Court of the State of New York, County of Queens (the “***State Action***”), to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. § 1441, § 1446 and 28 U.S.C. § 1331, and states as follows:

BACKGROUND

1. Plaintiff Jong Cheol Shin (“***Plaintiff***”) filed a Complaint in the State Action against TD Bank and defendant, Equifax Information Services, LLC. A true and correct copy of Plaintiff’s Complaint is annexed hereto as Exhibit A.

2. Plaintiff served the Complaint upon TD Bank on October 10, 2023. *Id.* at p. 15.

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) because it has been filed within thirty (30) days of TD Bank’s receipt of the Complaint.

4. In the Complaint, Plaintiff alleges violations of the Fair Credit Reporting Act (“***FCRA***”), 15 U.S. § 1681, *et seq.*, by claiming that TD Bank “fail[ed] to conduct a reasonable

and/or good faith investigation into Plaintiff's notice of disputes and failing to delete, correct or block [] inaccurate information." (Compl.).

5. Removal of the within action to this Court is appropriate because this Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

FEDERAL QUESTION JURISDICTION

6. Removal is proper pursuant to 28 U.S.C. §§ 1331 and 1441, because Plaintiff's case against TD Bank arises under federal law, as the Complaint alleges TD Bank failed to adhere to the FCRA (Compl.). *See* 28 U.S.C. § 1331 ("[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.").

ALL PROCEDURAL PREREQUISITES TO REMOVAL HAVE BEEN MET

7. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, because Plaintiff's case against TD Bank arises under federal law.

8. Removal of the State Action is therefore appropriate under 28 U.S.C. § 1441.

9. In accord with 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446(a), TD Bank is filing this Notice of Removal in the federal district court embracing the state court where the Complaint was filed.

10. In accord with 28 U.S.C. § 1446(a), TD Bank attaches all process, pleadings and orders that have been filed, served or received by TD Bank in this action as Exhibit A.

11. In accord with 28 U.S.C. § 1391, venue is proper in the United States District Court for the Eastern District of New York, as the Complaint in this action was filed in the Supreme Court of the State of New York, County of Queens.

12. In compliance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Supreme Court of the State of New York, County of Queens, and is being served simultaneously on Plaintiff and co-defendant, Equifax Information Services, LLC.

13. In removing this action, TD Bank does not intend to waive any rights or defenses to which it is otherwise entitled, and TD Bank expressly reserves the right to assert all such defenses at a later time.

14. Based on the foregoing, this Court has jurisdiction over this action, and this action is properly removed to this Court.

CONCLUSION

WHEREFORE, TD Bank removes this action to this Court and respectfully requests that this Court assume jurisdiction of this matter and take all further steps as may be required to determine this controversy.

Dated: New York, New York
November 9, 2023

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-and-

c/o The Corporation Service Company
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Albany, New York 12207
Defendant